

REMARKS

Claims 1-14 and 23-30 are currently pending in the application. No claims have been added or canceled. Claims 1-4, 6-10, 12, 24, and 29 have been amended. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

I. Rejection under 35 U.S.C. § 101

Claims 1-8, 23-25, and 29-30 stand rejected under 35 U.S.C. § 101 as being directed to unpatentable subject matter. Independent claim 1 has been amended to include the feature that *the creating, the performing, and the populating are performed via at least one computer in a computing system comprising a processor and memory*. Independent claim 29 has been similarly amended. Applicant respectfully submits that independent claims 1 and 29 are in compliance with 35 U.S.C. § 101.

Dependent claims 2-8, 23-25, and 30 each depend from and further restrict one of independent claims 1 and 29. Applicant respectfully submits that, for at least the reasons given with respect to independent claims 1 and 29, dependent claims 2-8, 23-25, and 30 are in compliance with 35 U.S.C. § 101. Applicant respectfully requests that the rejection under 35 U.S.C. § 101 of claims 1-8, 23-25, and 29-30 be withdrawn.

II. Rejection under 35 U.S.C. § 102

Claims 1, 9, and 29 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 7,571,107 to Jones, et al. ("Jones"). Applicant respectfully traverses for at least the reasons presented below.

Independent claim 1 is directed to a method of populating a knowledge base. Applicant has amended independent claim 1 to clarify a *claim element*, a *knowledge-base-population rule*, *claim-processing knowledge*, an *application of at least one knowledge-base-population rule*, and *a population of a knowledge base*. Jones discloses a method and system for externalization of

rules for assessing bodily injury general damages. In particular, Jones discloses using an expert system to develop a "knowledge base" in the form of business rules to process insurance claims.¹ Jones further discloses using an insurance claim processing system to "process insurance claims and assess bodily injury damages."² However, Jones is silent on various features of independent claim 1 as amended, including, *inter alia*:

- (a)** creating at least one claim element based on information related to a field from a claim form for an insurance provider, the at least one claim element comprising a reference claim element;
- (b)** the feature that the at least one claim element comprises at least one edit deduced from the information related to the field from the claim form, an edit comprising a directive of an insurance provider to correct or reject an insurance claim under specified circumstances;
- (c)** applying at least one knowledge-base-population rule to the at least one edit to form claim-processing knowledge for the at least one claim element;
- (d)** the feature that the application comprises determining a match between a pattern of the at least one edit and a pattern of the at least one knowledge-base-population rule;
- (e)** the feature that the claim-processing knowledge comprises one or more conclusions specified by the at least one knowledge-base-population rule based on the determined match;
- (f)** populating the knowledge base with the claim-processing knowledge acquired from the application, the knowledge base being resident in a computer-readable storage medium in a computing system; and
- (g)** the feature that the population comprises at least one of creating and updating an instance of the at least one claim element with the claim-processing knowledge.

Applicant respectfully submits that independent claim 1 patentably distinguishes over Jones. Applicant respectfully requests that the rejection under 35 U.S.C. § 102 of independent claim 1 as anticipated by Jones be withdrawn.

¹ Jones, Abstract.

² Jones, Col. 5 lines 28-30.

Independent claim 9 is directed to an article of manufacture for populating a knowledge base used in validating medical claims. Applicant respectfully submits that, for at least reasons similar to those presented with respect to independent claim 1, Jones fails to disclose several features of independent claim 9 as amended, including, *inter alia*, processor instructions configured to cause at least one processor to operate as to:

- (a) create at least one claim element based on information related to a field from a claim form for an insurance provider, the at least one claim element comprising a reference claim element;
- (b) apply at least one knowledge-base-population rule to at least one edit to form claim-processing knowledge for the at least one claim element; and
- (c) populate the knowledge base with the claim-processing knowledge acquired from the application.

Applicant respectfully submits that independent claim 9 patentably distinguishes over Jones. Applicant respectfully requests that the rejection under 35 U.S.C. § 102 of independent claim 9 as anticipated by Jones be withdrawn.

Independent claim 29 is directed to a method. The Office Action asserts that independent claim 29 recites "substantially the same limitations as claims 1 and 9."³ However, Applicant respectfully submits that independent claim 29 recites features that were not present in independent claims 1 and 9 as they existed prior to the present amendment such as, for example: (1) creating a plurality of claim elements based on a plurality of fields from a plurality of claim forms, the plurality of claim forms comprising a plurality of edits, the plurality of edits representing one or more situations that hinder claim payment by a payer; and (2) for each of the plurality of claim elements, applying one or more knowledge-base-population rules for a knowledge base to at least some of the plurality of edits to form claim processing knowledge for the plurality of claim elements. Applicant respectfully submits that these features were not present in independent claims 1 and 9 as they existed prior to the present amendment and, moreover, Applicant respectfully submits that Jones fails to disclose these features.

³ *Office Action*, p. 5.

For at least these reasons, Applicant respectfully submits that independent claim 29 patentably distinguishes over Jones. Applicant respectfully requests that the rejection under 35 U.S.C. § 102 of independent claim 29 as anticipated by Jones be withdrawn.

III. Rejection under 35 U.S.C. § 103

Claims 2-8, 10-14, 23-28, and 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Jones in view of U.S. Patent Publication No. 2002/0128874 to McIntosh et al. ("McIntosh").

McIntosh discloses a computer-implemented warranty knowledge base construction system and method. McIntosh's system is designed to process vehicle warranty claims generated from various vehicle dealerships. Towards that end, McIntosh teaches use of a "knowledge base expert system" that evaluates input warranty data and additional data from a database. McIntosh's knowledge base expert system includes warranty business rules used for the evaluation.

Dependent claims 2-8, 10-14, 23-28, and 30 each depend from and further patentably restrict one of independent claims 1, 9, and 29. For at least reasons presented with respect to independent claims 1, 9, and 29, Applicant respectfully submits that dependent claims 2-8, 10-14, 23-28, and 30 also patentably distinguish over Jones. Applicant respectfully submits that McIntosh fails to remedy the deficiencies of Jones noted above. Applicant respectfully requests that rejection under 35 U.S.C. § 103 of dependent claims 2-8, 10-14, 23-28, and 30 be withdrawn.

IV. Conclusion

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

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